



## UNITED STATES PATENT AND TRADEMARK OFFICE

JUL 20 2009

Commissioner for Patents  
 United States Patent and Trademark Office  
 P.O. Box 1450  
 Alexandria, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

FISH & RICHARDSON PC  
 P.O. BOX 1022  
 MINNEAPOLIS MN 55440-1022

In re Application of: :  
 Nakano et al. :  
 Serial No.: 10/582,176 : PETITION DECISION  
 Filed: April 18, 2007 :  
 Attorney Docket No.: 14875-0163US1/C1-  
 A0322P-U


This is in response to the petition under 37 CFR § 1.59(b), filed July 14, 2009, to expunge information from the above identified application. This application has not been allowed.

Petitioner requests that information submitted to the Patent Office on July 14, 2009, be expunged from the record. Petitioner states either: (A) that the information contains trade secret material, proprietary material and/or material that is subject to a protective order which has not been made public; or (B) that the information submitted was unintentionally submitted and the failure to obtain its return would cause irreparable harm to the party who submitted the information or to the party in interest on whose behalf the information was submitted, and the information has not otherwise been made public. The petition fee set forth in 37 CFR § 1.17(g) has been paid.

This is an unexamined application. As such, the information provided has not been reviewed and proceedings in the application have not been terminated. As stated in M.P.E.P. 724, upon allowance or other action closing prosecution in an application, petition may be made for return of Proprietary information. The information cannot be expunged at this time.

The petition is **DISMISSED**. Petitioner may resubmit the petition subsequent to a Notice of Allowability or *ex parte* *Quayle* action being mailed in the application. No additional petition fee will be required at that time.

Should there be any questions about this decision please contact Marianne C. Seidel by letter addressed to Director, TC 1600, at the address listed above, or by telephone at 571-272-0584 or by facsimile sent to the general Office facsimile number, 703-872-9306.

  
 Marianne C. Seidel  
 Quality Assurance Specialist  
 Technology Center 1600